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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,001

01/22/2004

James N. Bohanan JR.

ITW-14510

6247

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01/19/2007

OSTRAGER CHONG FLAHERTY & BROITMAN PC
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EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/763,001

Applicant(s)

BOHANAN ET AL.

Examiner

Luan K. Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-19, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 and 30 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-11, 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- (c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

2. The specification is objected to under 37 CFR 1.71, as the specification, as originally filed, does not provide support for the new matter as now claimed. The specification as filed does not provide support for "said first layer is not external to any other layer" as in claims 2 and 29, because the first layer is at least external to other layer such as a camouflage pattern printed the first and second layers and also sealing layer for connecting the first layer to the second layer since the first and second layers are laminated.
3. Claims 2 and 29 are finally rejected under 35 USC 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 29 and 30 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 30, the phrase “said odor-eliminating agent” lacks proper antecedent basis. It appears that claim 30 depends on claim 19. In claims 2 and 29, the phrase “not external to any other layer” is indefinite because such a negative limitation has no clear meaning when used with open language such as “comprising”.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are finally rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Neteler (6,531,197) in view of Caggiano (4,861,632). Neteler discloses a bag (10) comprising a receptacle having a mouth and a zip-lock (column 3, lines 26-27) attached to the mouth which is considered equivalent to the zipper comprises first and second zipper strips that extend across the mouth as claimed. Neteler further discloses the receptacle formed of laminated material (Figure 2) and the laminated material comprising a first layer (24) formed of microporous polyolefin impregnated with silica (column

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3, lines 53-55) which is considered equivalent to an odor-eliminating chemical agent supported by the web of gas-permeable thermoplastic material as claimed and a second layer (20, 22, 30) formed of polypropylene (column 3, lines 30-32) which is considered equivalent to the web of gas-impermeable thermoplastic material as claimed. To the extent that Neteler fails to show the silica being an odor eliminating agent, Caggiano shows a laminated container comprising first and second layers laminated to each other with at least the first layer comprising a first material (3) and an absorbent layer impregnated with a desiccant agent such as a silica gel or fungicidal agent to inhibit the growth of any fungi (column 3, lines 56-65 and column 4, lines 45-50) which is considered equivalent to an odor eliminating agent as claimed. It would have been obvious to one having ordinary skill in the art in view of Caggiano to modify the laminated material of Neteler so an odor eliminating chemical agent is supported by the first layer instead of silica to eliminating odor within the bag.

8. Claim 3 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of Castiglione et al. (6,803,090; hereinafter Castiglione'090). Neteler further fails to show the first layer comprises a corrosion inhibiting chemical agent. Castiglione'090 shows a fluid transport film includes a corrosion inhibiting chemical agent within the adhesive compositions of the film (column 15, line 33-42). It would have been obvious to one having ordinary skill in the art in view of Castiglione'090 to modify the first layer of Neteler as modified so the first layer further includes a corrosion inhibiting chemical agent to prevent corrosion to the contents. The first layer is not external to any other layer since the second layer (20, 22, 30) is a single layer.

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9. Claims 9-11 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of Official Notice and Worthy, Jr. (2003/0236159). Neteler further fails to show a first header having a first opening and a second header having a second opening. Official Notice is taken of the old and conventional practice of providing a bag having a first header with a first opening and a second header with a second opening to facilitate carrying the bag. Worthy, is cited by way of example, shows a bag (10) comprising a first layer (14) having a first header with a first opening (34) and a second layer (16) having a second header with a second opening (36) and the first and second openings are generally mutually overlapping when the bag is closed. It would have been obvious to one having ordinary skill in the art in view of Official Notice and Worthy to modify the bag of Neteler as modified so the bag includes a first header with a first opening and a second header with a second opening to facilitate carrying the bag.

10. Claim 29 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Neteler (6,531,197) in view of Castiglione et al. (6,803,090; hereinafter Castiglione'090). To the extent that the Examiner can determine the scope of the claim, Neteler discloses the bag as above having all the limitations of the claim except for the first layer comprises a corrosion inhibiting chemical agent. Castiglione'090 shows a fluid transport film includes a corrosion inhibiting chemical agent within the adhesive compositions of the film (column 15, line 33-42). It would have been obvious to one having ordinary skill in the art in view of Castiglione'090 to modify the

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first layer of Neteler as modified so the first layer includes a corrosion inhibiting chemical agent to prevent corrosion to the contents.

Allowable Subject Matter

11. Claims 12-19 are allowed. Claim 30 is allowed if claim 30 depends on claim 19, otherwise claim 30 is finally rejected with claim 1.

Response to Arguments

Applicant's arguments with respect to all pending claims filed on 11/27/2006 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

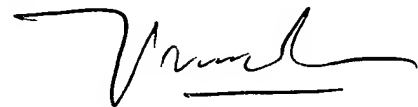
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
January 10, 2007



Luan K. Bui
Primary Examiner
Art Unit 3728